

CHAPTER 14 - SUBDIVISION REGULATIONS¹

ARTICLE 14-1 ADOPTION OF SUBDIVISION REGULATIONS

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Section 14-1-1 Title and Purpose.

This chapter may be cited and referred to collectively as the Maricopa Subdivision Code. The purpose of this chapter is to provide for the orderly growth and harmonious development of the city of Maricopa; to insure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage and other health requirements; to insure consideration for adequate sites for schools, recreation areas and other public facilities; to promote the conveyance of land by accurate legal description; and, to provide logical procedures for the achievement of this purpose.

Section 14-1-2 Authority and Jurisdiction

- A. Authorization for the city to adopt subdivision regulations is given in the Arizona Revised Statutes, Section 9-463.01, as amended.
- B. Platting jurisdiction for the city shall encompass all the territory within the incorporated limits of the city which may from time to time be amended through annexation.

Section 14-1-3 Rules and Definitions

The following rules and definitions shall be used when interpreting the provisions of this chapter and the Subdivision Code adopted thereby. If the definitions provided herein conflict in any way with the definitions of the Codes adopted in section 14-1-4 herein, the definitions set forth in this section shall prevail.

- A. All references in the Subdivision Code to the "Board of Supervisors" shall mean the City Council of the City of Maricopa.
- B. All references in the Subdivision Code to a "county road" or similar roadway shall mean a public street or roadway within the City of Maricopa.

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- C. All references to the “County Engineer” shall mean the City Engineer or other person appointed by the City Council to fulfill such duties pending the permanent appointment of a City Engineer.
- D. All references to the Commission or Planning Commission of Pinal County shall mean the City Council of Maricopa or the Maricopa Planning and Zoning Commission, if the same be established by Ordinance by the City Council.
- E. All references to “County Officials” shall mean City Officials for the City of Maricopa.
- F. All references to “Pinal County” (in all its various grammatical forms) shall mean the City of Maricopa, as amended to fit the grammatical context.
- G. All references to the Pinal County Subdivision Regulations shall mean the City of Maricopa Subdivision Ordinance.
- H. All references to the “unincorporated portions of Pinal County” shall mean property within the incorporated City of Maricopa.
- I. Any and all references to Arizona Revised Statutes, Title 11 shall be read as if referring to the corresponding authority contained in A.R.S. Title 9.

Section 14-1-4 Adoption of Subdivision Regulations

A. Adoption of Maricopa Subdivision Code by Reference

That certain document entitled and known as “Pinal County Subdivision Regulations” is hereby adopted as the Maricopa Subdivision Code and made a part of this chapter the same as though said code was specifically set forth in full herein, with changes and amendments to the code as set forth in subsection B. At least three copies of said code shall be filed in the office of the city clerk and kept available for public use and inspection.

B. Amendments to the Maricopa Subdivision Code.

- 1. **Amend Section 100 Short Title and Authority** to read: This regulations shall be known and may be cited as the “City of Maricopa Subdivision Code” and will be referred to herein as “this code”, or “this ordinance”. This Ordinance is adopted pursuant to the authority contained in the Arizona Revised Statutes (A.R.S.) § 9-463.01, et seq.
- 2. **Amend the definition of “Subdivisions” or “Subdivided Lands” contained in Section 200** by deleting the language therein in total and replacing it with the following:

Subdivision:

- 1. Improved or unimproved land or lands divided for the purpose of financing, sale, lease, or conveyance whether immediate or future, into four or more lots, tracts or parcels of land; or, if a new street is involved, any such property which is divided into two or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed

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by a recorded plat, which is divided into two or more parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse, patio home, or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

2. "Subdivision" does not include the following:

- a. The sale or exchange of parcels of land between adjoining property owners if such sale or exchange does not create additional lots.
- b. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
- c. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil, or gas leases.

3. **Delete the definition in Section 201 of "Master Plan"** in its entirety and replace it with the following:²

"Master Plan Development (MPD)" shall mean a plan for a development that is comprised of 320 or more contiguous acres and/or will be a multi-phased development of a large or complicated development application which provides information and graphics meeting the requirements of the Maricopa Zoning Ordinance and an overall master plan meeting the requirements of the Subdivision Ordinance for the purpose of implementing an integrated development scheme for all phases of the proposed development. Each of the progressive stages of platting and development of a Master Plan Development shall be subject to Commission review and recommendation and Council approval.

4. **Add Section 214** as follows:³

Sec.214 "Planned Area Development ("PAD")" shall mean a development in which flexibility can be sought in the zoning standards or the subdivision design standards, in order to encourage more creativity and sustainable design, thereby providing usable open spaces within and about the development and enhancing the residential character of the City. Planned Area Developments shall be subject to Planning Commission review and recommendation and City Council approval.

²	AMENDED Section 14-1-4(B)	Ordinances 05-03	Adopted 02/01/05
³	AMENDED Section 14-1-4(B)	Ordinances 05-03	Adopted 02/01/05

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5. **Article II - Definitions, is amended by adding the following definitions:**⁴

Sec. 215 "OPEN SPACE". Any parcel or area of land or water, natural or improved, and set aside, dedicated, designated, or reserved for public or private use and enjoyment.

Sec. 216 "OPEN SPACE, COMMON". Open space usable by all people within a certain development and such area is owned in common by all property owners in that development.

Sec. 217 "OPEN SPACE, NATURAL AREA". Open space areas required for the preservation and conservation of plant and animal life, including habitat for wildlife species; and areas required for ecological, cultural and other scientific study purposes for long-term public benefit.

Sec. 218 "OPEN SPACE, PUBLIC". An open space area conveyed or otherwise dedicated to a municipality, municipal agency, school district, state or county agency, or other public body for recreational or conservational uses.

Sec. 219 "OPEN SPACE, USEABLE". Land which can be enjoyed by people. This could include landscaped or hardscaped plazas, paseo and promenades, fountains and sitting areas meant to provide an open park like atmosphere. Also natural areas, landscaped buffers, landscaped retention basins, playgrounds, golf courses, bicycle trails (but not bike lanes), pedestrian trails (not residential sidewalks), trail heads and parks.

Sec 220 "STAGING AREA". A staging area is a trail head specifically designed to accommodate equestrians. It includes areas for horse trailer parking, and facilities for hitching, mounting, and watering horses.

Sec. 221 "TOT LOT". An improved and equipped play area primarily for small children, usually no older than elementary school age.

Sec. 222 "TRAIL, MULTI-USE". A hard surfaced trail designed for all types of non-motorized use. These trails should be ten (10) feet in width, and constructed of either concrete or an all-weather surface such as rubberized asphalt, or similar material.

Sec. 223 "TRAIL, UNPAVED". A designated trail designed to accommodate primarily equestrians, off-road bicycles, and pedestrian users. These trails should be a minimum of ten (10) feet in width except for equestrian trails which should be fifteen (15) feet in width.

Sec. 224 "TRAIL HEAD". A trail head serves as the beginning point of a trail and must include parking, trail information, trash receptacles, water, sanitary facilities and shade structures/ramada

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6. **Delete the language in Section 302.1 Processing Fee Schedule**, and replace it with the following:

For each permit, inspection, plan review, application or other service requested by an applicant or required under this code to be performed prior to the approval of a plat or issuance of a building permit by the City of Maricopa, a fee shall be charged to the applicant. Said fees shall be adopted by the city council by resolution and designated as the City of Maricopa Subdivision Regulation Fee Schedule and the same, as amended from time to time, is hereby incorporated into this code and chapter as if set forth herein.

7. **Amend Section 306, Approval Effective One Year: Extensions** by deleting the term "One Year" from the title thereof and inserting the following additional language at the end of the paragraph:⁵

Approval of a Preliminary (tentative) Plat for a Planned Area Development (PAD), approval by the City of Maricopa, shall, however, be effective for two (2) years in accordance with an approved phasing plan, but may be extended upon reapplication and review by the Commission.

8. **Amend Section 310 Tentative Plat** by adding the following:

Section 310.8 Additional Submittal Requirements. The following information is required as part of the preliminary plat submittal in addition to the information outlined above:

Proposed Utility Methods.

1. Sewage Disposal - A statement as to the type of facilities proposed shall appear on the preliminary plat including septic. Also show the preliminary sewer layout indicating line sizes and manhole and clean out locations.
2. Water Supply - A statement as to the assured water supply for the development shall appear on the preliminary plat. The preliminary layout of the water system shall be shown, indicating fire hydrants, valves, meter vaults, water line sizes and locations.
3. Electric Supply - A statement as to the electric supply for the development shall appear on the preliminary plat. Any necessary easements shall be shown on the preliminary plat.
4. Gas Supply - A statement as to the gas supply for the development shall appear on the preliminary plat. Any necessary easements shall be shown on the preliminary plat.

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5. Telephone Service - A statement as to the telephone service for the development shall appear on the preliminary plat. Any necessary easements shall be shown on the preliminary plat.

6. Garbage Service - A statement as to the garbage service for the development shall appear on the preliminary plat.

7. Cable for Television and High Speed Internet - If applicable, a statement as to the cable television service and high speed internet service for the development shall appear on the preliminary plat.

9. **ARTICLE IV – DESIGN STANDARDS, is amended by adding the following sections:**⁶

Sec 400.14 Bicycle lanes are designated on-street facilities that shall be provided on arterial and collector streets. Within all new developments a bike lane no larger or smaller than 6.5 feet shall be constructed on main collector roads throughout the development and arterial streets adjacent to the development. All bike lanes shall be marked with a white stripe no wider than five inches and clearly marked "bicycles only."

Sec 407 OPEN SPACE REQUIREMENTS AND DESIGN STANDARDS.

A. General Open Space Requirements. The purpose of these open space regulations is to provide for open space, recreational opportunities and trails within each subdivision and connectivity to the greater community.

1) Regardless of the density of the individual developments, single family residential subdivisions, and condominium or multi-family subdivisions shall be required to provide open space, provide buffering to adjacent developments, provide landscaping, and provide physical connections to adjacent neighborhoods and to community open space networks and trail systems.

2) Open space intended to fulfill these open space requirements shall be calculated upon the net acres of the subdivision whether residential, commercial, or industrial. Net acres are defined as: total acres exclusive of the area required for arterial or collector street right-of-way dedications and school/public site dedications. Further, in calculating the net acres for residential developments all commercial and/or industrial

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acreage shall also be excluded. Required open space for all types of subdivisions shall be as prescribed in the following TABLE 1 or per the Council approved M.P.D. or P.A.D.; whichever is greater.

TABLE 1 - OPEN SPACE REQUIREMENTS

TYPE OF DEVELOPMENT	REQUIRED PERCENTAGE OF OPEN SPACE
Rural Residential (CR-1A and larger)	0%
Residential (CR-1)	10%
Residential (CR-2)	15%
Residential (CR-3)	20%
Multi-Residential (CR-4 and CR-5)	100% 1 st Floor F.A.R. 50% 3 rd Floor F.A.R.

3) The development, through the Planned Area Development (P.A.D.) process as described in Article 33 of the City of Maricopa Zoning Ordinance, upon the requisite findings, may vary the minimum lot area and minimum lot width from the standards specified in the zoning district(s), in effect over the area considered for the subdivision provided that such variations are approved by the City Council prior to or in conjunction with the preliminary plat approval for the subdivision. Every P.A.D. shall provide a minimum of twenty percent (20%) of the net acreage as open space unless otherwise approved by the City of Maricopa through the PAD review process.

4) The development, through the Master Plan Development (M.P.D.) process as described in Article 33 of the City of Maricopa Zoning Ordinance, shall provide a minimum of twenty percent (20%) of the net acreage as open space unless otherwise approved by the City of Maricopa through the M.P.D. review process. The design of the open space shall be integrated throughout the development and connect the development to adjacent developments and the community in general.

5) Through the P.A.D. or M.P.D. approval process the City of Maricopa may reduce the required amount of open space, but never to an amount less than 15%, if the P.A.D. or M.P.D. meets the intent and the design requirements of

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Article IV; and, when locating and designing open space, careful consideration is given to the surrounding natural and man made elements by designing view corridors preserving and creating focal elements; providing trails and connectivity to adjacent developments; locating open space to be visually and/or physically useable, accessible and safe; and designing open space for a wide variety of activities for all ages such as walking, sports, neighborhood events, etc.

6) Residential developments shall be responsible for developing seven (7) acres of Neighborhood/Subdivision Parks per 325 lots. These parks will be calculated as part of the required open space and should be maintained by the Homeowners Association (HOA) except for when the park has been accepted, by the City of Maricopa, into the City Park System for maintenance responsibilities.

7) Those portions of the Maricopa Trail System, as identified in the General Plan for the City of Maricopa or otherwise, that are adjacent to, or within, the area proposed for development shall be incorporated by that development. Construction of those portions of the trail corridors shall be the responsibility of the subdivider/developer and shall be part of the subdivision improvements. Certain portions of the Maricopa Trail System, more specifically the Santa Rosa Wash and the Santa Cruz Wash, should/may be dedicated to the public upon completion of the improvements. Public access easements may be required to provide access to the Maricopa Trail System from public parks and open spaces and, where appropriate, from the private parks within the residential developments when adjacent to the Maricopa Trail System.

8) Park lands and those portions of an individual development's open space system should be developed adjacent to the Maricopa Trail System whenever possible and provide linkages to the greater Maricopa Trail System. Construction of the development's park lands and the open space areas shall be the responsibility of the subdivider/developer and shall be part of the subdivision improvements. The open space areas within an individual development shall be part of a "tract" and maintained by a Homeowners/Property

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Owners Association unless otherwise approved by the City of Maricopa.

B. Open Space Design Standards.

1) If the subdivision is part of a Master Plan Development (M.P.D.) or a Planned Area Development (P.A.D.), which has been approved by the City of Maricopa, the open space requirements and amenities shall be in accordance with the provisions of the approved M.P.D. or P.A.D.

2) Open space, in general, could include landscaped or hardscaped plazas, any parking area landscaping that exceeds that which is required by the Zoning Ordinance, fountains, and sitting areas all meant to provide an open park like atmosphere. Also playgrounds, golf courses, parking lots for trail heads and/or for the neighborhood/subdivision parks (not parking lots required for other uses), bicycle trails (not bike lanes within the public right-of-way), pedestrian trails (not residential sidewalks integrated with the curb), equestrian tracts and trail heads. Not more than fifty (50) percent of the required open space shall be attributed to golf course use or ancillary golf uses. Open space does not include parking areas (except those specified elsewhere in this Section 407), retention/detention basins that are concrete lined or non-landscaped, vacant or undeveloped lots.

3) At a minimum sixty percent (60%) of the required open space for any development should be developed as "useable" open space with the recreational amenities needed to support the new neighborhood demand incorporated into that open space.

4) The open space areas shall be designed in such a manner as to be easily accessible to all lots. Accessible means that there is no more than 1/6 of a mile or 880 feet of pedestrian travel between any one lot and an entrance area allowing people, bikes or equestrians to enter into the open space area or view the open space area.

5) Retention or detention basins which are required in accordance with the subdivision drainage report, shall qualify as open space only if they are landscaped, multi-tiered and designed to

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be used as an active multi-use area. Retention basins with a bottom area in excess of one half ($\frac{1}{2}$) acre, shall be designed, turfed and equipped to accommodate a play/sport field rather than being landscaped with decomposed granite. All other recreational facilities, play equipment, and amenities shall be located above the 50-year storm level. The exception to this standard is for commercial and industrial developments, which shall be permitted to calculate the landscaped retention or detention area as part of the required open space area.

6) Multi-use trails and unpaved trails shall be used to interconnect the neighborhood parks of a development to one another and to the Maricopa Trail System. Signs, crossings, vegetation, rest and staging areas, and surface materials shall be developed, designed, and installed in conjunction with the development and in a manner appropriate to the specific users intended.

7) When approved, unpaved trails shall be designated for limited and specific uses rather than for general use. The design and construction of these unpaved trails shall be in accordance with, and appropriate to, the specific uses allowed. Unpaved paths may also be within or over local utility easements/corridors in order to allow utility access while achieving neighborhood connectivity.

8) Developments adjacent to the community open space network and/or trail system of the Santa Rosa Wash and the Santa Cruz Wash may be required to provide a public trail head and/or a staging area depending upon the location and type of development and the adjacent community amenities.

9) All P.A.D. developments shall provide a trail system connecting internal open spaces, external trails and destination points.

10) All Tot Lots incorporated into Open Space must be covered with a shade structure over the play equipment. All Tot Lots and play structures shall be designed to be above the 50 year storm if located within a retention or detention area.

11) Tot Lot playground surface must consist of sand and a rubberized material, commonly referred to as "tot turf," in the designated fall zones as

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designated in or by the playground equipment manufacturer's specifications.

12) Wood chips shall not be a permitted material for use within the Tot Lot area.

13) All grass installed in a development for general landscape use and for open space must be hypo-allergenic sod or stollons (no seed).

14) A ramada within an Open Space areas must be constructed with stone columns or other durable material of equal quality, as approved by the Planning Director, and a solid roof structure, such as but not limited to, standing seam metal, corrugated metal, concrete tile, clay tile or similar roof material. They must also include a BBQ grill, a minimum of two tables, and two trash cans.

15) The location of neighborhood parks, mini parks, Tot Lots and similar recreation areas should wherever possible be internalized to the neighborhood and not adjacent to an arterial street or a body of water. If, however, a Tot Lot is placed adjacent to an arterial street or a body of water, it must be buffered with a wall constructed of stone or other durable material of equal quality that is set-back at least ten (10) feet from the sidewalk and twenty (20) feet from a body of water.

Section 14-1-5

Applications for Permits and Approvals

The Planning and Zoning Commission and its staff may require with an application for approval of a subdivision, whatever data and information is deemed necessary to reasonably determine that the proposed work is in compliance with requirements of the adopted codes and other pertinent laws and ordinances.

Section 14-1-6

Modifications to Code

- A. Where, in the opinion of the council, there exists extraordinary conditions of topography, land ownership or adjacent development, or other circumstances not provided for in this chapter, the council may modify these regulations in such manner and to such extent as it may deem appropriate to the public interest.
- B. In the case of a plan and program for a complete community or a complete neighborhood, the council may modify these regulations in such manner as appears necessary and desirable to provide adequate space and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and may require stipulations to assure conformance with the achievement of the plan.

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- C. In modifying the standards or requirements of these provisions as outlined in this section, the council may make such additional requirements as appear necessary, in its judgement and discretion, to secure substantially the objectives of the standards or requirements so modified.

Section 14-1-7

Prohibition Against Circumvention of Chapter

- A. It is unlawful for any person to offer to sell or lease, to contract to sell or lease or to sell or lease any subdivision or part thereof until a final plat thereof, in full compliance with provisions of this chapter and of any subdivision regulations which have been duly recorded in the office of the county recorder, is recorded in the office of the recorder, except that this shall not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with any law or subdivision regulation regulating the subdivision plat design and improvement of subdivisions in effect at the time the subdivision was established. The county recorder shall not record a plat unless the plat has been approved by the council.
- B. No person, firm or corporation shall divide any lot, piece or parcel of land for the purpose of financing, or sell or lease, or offer for sale or lease which:
1. Is within a subdivision as defined in this chapter without first having recorded a plat thereof in accordance with the provisions of this chapter; or
 2. Is not within a subdivision as defined in this chapter without first having obtained approval by the planning director as provided in this chapter.
- C. No building permit shall be issued for construction on any lot, piece or parcel of land which is not a part of a recorded subdivision plat, or has not been approved by the planning director in accordance with the provisions of this chapter.

Section 14-1-8

Violations and Penalties

A. Criminal Penalties

1. Any person who violates any provision of this chapter shall be guilty of a class one (1) misdemeanor, punishable as set forth in this code and state law.
2. Each failure to obtain a required permit clearance, certification, review, approval or inspection shall constitute a separate violation.

B. Civil Penalties

1. Any person, or enterprise, as defined pursuant to A.R.S. § 13-105, who violates any provision of this chapter shall be subject to a civil penalty as an alternative method of enforcing this chapter.
2. No person shall be subject to a criminal penalty for a violation enforced under the civil penalty provisions of this section.
3. The amount of the civil penalty for the violation of this chapter shall be determined by the city magistrate, subject, however, to the directions of the city council which may, but is not required to, establish a schedule of such penalties.

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Said penalties shall not exceed the amount of one thousand (\$1,000) dollars for an individual or ten thousand (\$10,000) dollars for an enterprise for each offense.

4. Any person alleged to be subject to a civil penalty under this section shall be entitled to an administrative hearing regarding their liability and a review of that decision by the city council if requested in writing within seven days of the decision at the administrative hearing. The administrative hearing shall take place before the city magistrate, subject to any rules of procedure for the same as may be adopted by the city council from time to time.
- C. Other Methods of Enforcement

The city council, the city attorney, the building official, or any adjacent or neighboring property owner who shall be especially damaged by the violation of any provision of this Chapter, may initiate other remedies provided by law (e.g. an injunction, writ of mandamus, abatement) or any other appropriate action, proceeding or proceedings to prevent, abate or remove such violation of this Chapter.

D. Separate Offenses

Any person, firm, corporation or other enterprise as defined above violating this Chapter shall be deemed guilty of a separate offense for each and every day during which a violation of the provisions of this Chapter is committed, continued or permitted.

Section 14-1-9 Conflicting Provisions

Where, in any specific case, different sections of the adopted codes or city code specify the use of different standards, different construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general and specific requirement, the specific requirement shall be applicable.

Section 14-1-10 Severability

If any section, subsection, clause, phrase or portion of this chapter, or any part of the codes adopted by reference herein, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

Section 14-1-11 Special Agreements

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any developer whereby a developer may enter into negotiations with the city for special rates or requirements as are in the best interests of the city.